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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 24126 of 2004

Between:

1 K. Yadaiah Goud, S/o Linga Goud,
R/o H.No. 22-107/2,
2 V. Brahmaiah, S/o Ramachandraiah,
R/o H.No. 22-107/8,
3 G. Ramaswamy, s/o Potha Goud ,
R/o H.No. 22-107/12,
4 G. Yadagiri, S/o G. Lingaiah,
R/o H.No. 22-107/15/3,
5 Hazeera Bee, W/o Gore Miya,
R/o H.No. 22-107/17,
6 Ch. Raghavaiah, S/o Venkata Reddy,
R/o H.No. 22-107/18,
7 G. Ramaiah, S/o Balaiah,
R/o H.No. 22-107/19,
8 D. Manemma, W/o Arjun.
R/o H.No. 22-107/20,
9 V. Sujatha, W/o Pratap Chari,
R/o H.No. 22-107/37,
10 Ch. Ashok, s/o Yellaiah,
R/o H.No. 22-107/38,
11 B . Sangaiah, s/o Laxmaiah,
R/o H.No. 22-107/48,
12 M. Srinivas Goud, S/o Dasharath,
R/o H.No. 22-107/55,
13 G. Laxminarayana, S/o Ramulu,
R/o H.No. 22-107/56,
14 U. Narsamma, W/o Danaiah,
R/o H.No. 22-107/60,
15 G. Lalxmi, w/o Chittaiah,
R/o H.No. 22-107/65,
16 S. Ramulu, S/o Veeraiah,
R/o H.No. 22-107/65/1,

17 N. Sai Kumar, S/o Late Shanker,
R/o H.No. 22-107/56,
18 N. Pochamma, w/o Sailoo,
R/o H.No. 22-107/7,
19 T. Vittal Goud, S/o Abba Goud,
R/o H.No. 22-107/13,
20 Abdullah Habeeb Khan, S/o Md. Abdullah Khan,
R/o H.No. 22-107/14,
21 D. Suguna, W/o Lavakusha,
R/o H.No. 22-107/9,
22 D. Lingamma, w/o Sathaiah Goud,
R/o H.No. 22-107/7/1,
23 T. Narsing Rao, S/o Pochaiah,
R/o H.No. 22-107/27,
24 Srinadhan, S/o Laxmaiah,
R/o H.No. 22-107/47, All of them are residents of Kanukunta,
H/o Ramachandrapuram Village and Mandal, Medak

District.

... PETITIONERS

AND

1 The Mandal Revenue Officer, Ramachandrapuram, Medak

District.
2 The Mandal Revenue Inspector, O/o Ramachandrapuram

MRO, Ramachandrapuram Mandal,Medak District.
3 The Collector, Medak, Medak District at Sangareddy.
4 The Secretary, Revenue Department, Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order or direction more particularly in the nature of a Writ of mandamus declaring that the notices issued by the 1st Respondent to the Petitioners dated 6-12-2004 are illegal, arbitrary and against to the provisions of Section 7 of AP Land Encroachment Act, 1905 and also the principles of the Natural Justice and consequently to quash the said notices as illegal, arbitrary, against to the Provisions of Section 7 of AP Land Encroachment Act, 1905 and also the principles of Natural Justice

Counsel for the Petitioners: MR.AMBADIPUDI SATYANARAYANA

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the notices issued by the first respondent dated
06-12-2004 as illegal, arbitrary and against the provisions of Section 7 of the A.P. Land Encroachment Act, 1905 and to quash the said notice issued to the petitioners.

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

3. Petitioners claim that they are the residents of the houses constructed in the land admeasuring Ac.1.36 cents situated in Survey Numbers 213/2 and 214/2 of Kanukunta Village, Ramachandrapuram Village, Ranga Reddy District. It is the case of the petitioners that they have been in occupation and enjoyment of the said property from the year 1965. While so, one Bonala Krishna Rao claimed ownership rights over the land in the said survey numbers alleging that originally the property was assigned by the Government to one Golla Sathaiah, through Proceedings of the Tahsildar, Sanga Reddy dated 18-11-1965 and the said Sangaiah obtained permission from the said Tahsildar, on 02-04-1969 for sale of the said land to one Gudam Veeraiah and on 17-12-1969, the said Veeraiah purchased the said land. Thereafter, the said Veeraiah in turn sold the same to one
T. Prakasa Rao through an agreement of sale dated 11-04-1974 and the said Prakasa rao executed a registered sale deed in favour of one Mr. Krishna Rao, who is his co-brother and possession of the property was delivered to the said Krishna Rao through the agreement of sale dated 30-01-1975. While so, the said Krishna Rao made a complaint to the Gram Panchayat that the petitioners herein trespassed into the said land and the Gram Panchayat has issued a notice of demolition of the houses constructed by the petitioners. Thereafter, one of the petitioners filed W.P.No.12556/83, which was disposed of giving liberty to the petitioners to submit objections to the notices.

4. While things stood thus, it is alleged that, to the utter surprise of the petitioners, the first respondent without any notice or intimation, issued the impugned notices dated 06-12-2004 to the petitioners under Section 7 of the A.P. Land Encroachment Act alleging that petitioners are in unauthorized occupation of the said land and asked the petitioners to vacate the land within 15 days thereof, failing which they would be summarily evicted from the land.

5. In view of the facts and circumstances of the case, treating the notice of the respondents dated 06-12-2004 as a show cause notice, petitioners are directed to submit their explanation to the said show cause notice within four weeks from today and on filing such explanation, respondents are at liberty to consider the said explanation and pass appropriate orders, thereon, expeditiously. Till then, status quo obtaining as on today shall be maintained by the petitioners.

The writ petition is accordingly disposed of at the admission stage.

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N.V. RAMANA, J

December 23, 2004

MRR / TVK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1 The Mandal Revenue Officer, Ramachandrapuram, Medak

District.
2 The Mandal Revenue Inspector, O/o Ramachandrapuram

MRO, Ramachandrapuram Mandal,Medak District.
3 The Collector, Medak, Medak District at Sangareddy.
4 The Secretary, Revenue Department, Secretariat, Hyderabad.

5 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

6 Two C.D. Copies.